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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,017	07/31/2003	Douglas M. Weidenheimer	2592-105	9528
6449	7590	11/30/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			KLEBE, GERALD B	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			3618	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/631,017	Applicant(s) WEIDENHEIMER ET AL.	
	Examiner Gerald B. Klebe	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 28, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 28, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*G B Klebe*  
25 November 2005

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Amendment*

1. The amendment filed 11/10/2005 under 37 CFR § 1.111 has been entered. Claims 1, 28-29, and 31 are pending in the application, the remaining claims 2-27, 30 and 32 being cancelled by the amendment.

### *Quayle Action*

2. This application is in condition for allowance except for the following formal matters:

As discussed in detail below, each of the pending claims is objected-to for informalities and further is rejected under 35 USC 112, 2<sup>nd</sup> Paragraph, having recitations of limitations therein in which there is insufficient antecedent basis for the limitation in the respective claim.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### *Claim(s) Objections - Informalities*

3. The claims are objected-to for the following informalities:

Claim 1 in line 10; claim 28 in line 11; claim 29 in line 11; and claim 31 in line 11: the word "sequential" should be --sequentially--;

Claim 1 in line 12; claim 28 in line 13; claim 29 in line 13; and claim 31 in line 13 each are missing the phrase --whose output voltage is limited to approximately the-- between "(SSC)" and "battery"; and further,

Claim 1 in line 13: the word "issued" should be the phrase --is used--.

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Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 28-29 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 in lines 9-10 recites the limitation "the partially or sequential[ly] erected battery"; in line 11 recites the limitation "said charge current limiting device"; in line 13 recites the limitation "the input"; and in line 14 recites the limitation "the dynamic store portion", and the limitation "the static portion".

Claim 28 in lines 10-11 recites the limitation "the partially or sequential[ly] erected battery"; and in line 12 recites the limitation "said charge current limiting device"; and in line 15 recites the limitation "the static portion" and in line 15 recites the limitation "the static portion; and in line 16 recites the limitation "the dynamic section".

Claim 29 in lines 10-11 recites the limitation "the partially or sequential[ly] erected battery"; in line 12 recites the limitation "said charge current limiting device" and in lines 15-16 recites the limitation "the output" and "the dynamic section".

Claim 31 in lines 10-11 recites the limitation "the partially or sequential[ly] erected battery"; in line 12 recites the limitation "said charge current limiting device"; and in lines 15-16 recites the limitation "the first stage of the dynamic section".

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There is insufficient antecedent basis for each of the cited limitations in their respective claim.

Appropriate correction is required.

***Allowable Subject Matter***

6. Claims 1, 28-29 and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 28-29 and 31 have been considered but are moot in view of the new ground(s) of rejection.

***Prior Art made of Record***

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art of Kaman; of Silverman; and of Zack et al. each show features in common with some of the other structures of the inventive concept disclosed in the instant application.

***Conclusion***

9. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 571-272-6695; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 571-272-6914.

Official correspondence should be sent to the following TC 3600 Official number as follows: 571-273-8300.

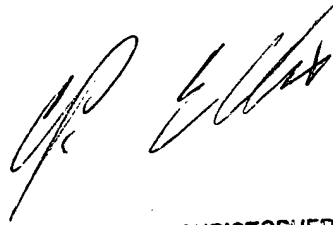
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*gbklebe*

gbklebe / Art Unit 3618 / 25 November 2005



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TECHNICAL STAFF